

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>VERSATA SOFTWARE, INC.,</b>	§	
<b>f/k/a TRILOGY SOFTWARE INC. and</b>	§	
<b>VERSATA DEVELOPMENT GROUP, INC.</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>v.</b>	§	<b>CAUSE NO. 1:10-cv-00792</b>
	§	
<b>INFOSYS TECHNOLOGIES LTD.</b>	§	
	§	
<b>Defendants.</b>	§	

**NOTICE OF REMOVAL.**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant INFOSYS TECHNOLOGIES LTD (“INFOSYS”), respectfully removes to this Court the civil action filed by Plaintiff Versata Software, Inc., f/k/a Trilogy Software, Inc. and Versata Development Group, Inc. (“Plaintiffs”) in the District Court of Travis County, Texas, B-261st Judicial District, Cause No. D-1-GN-10-003672, *Versata Software, Inc., f/k/a Trilogy Software, Inc., and Versata Development Group, Inc.*, (the “State Court Litigation”). As grounds for removal, Defendant states as follows:

**I.**

**INTRODUCTION**

1. On or about October 13, 2010, Plaintiffs commenced the State Court Litigation by filing Original Petition and Verified Application for Injunctive Relief (the “Petition”) in the District Court of Travis County, Texas, 261st Judicial District. In the State Court Litigation, Plaintiffs seek a declaratory judgment and a temporary restraining order and assert claims for

breach of contract, misappropriation of trade secrets, violation of the Texas Theft Liability Act, conversion, tortious interference with contract, unjust enrichment, constructive trust, and punitive damages.

2. INFOSYS obtained a copy of the Petition on or about October 18, 2010, which is the effective date of receipt for purposes of 28 U.S.C. § 1446(b). This removal is timely under 28 U.S.C. § 1446(b) because it is within 30 days of the date on which INFOSYS received a copy of the plaintiff's initial pleading setting forth the claims for relief upon which this action is based.

3. Prior to filing this Notice of Removal and on October 20, 2010, Defendant filed its Original Answer in the State Court Litigation. A jury demand was made by INFOSYS in the State Court Litigation.

4. In accordance with 28 U.S.C. § 1446(a) and 1447(b), Defendant attaches as Exhibit "A" true and correct copies of the Petition, along with all other documents filed in state court prior to removal. The Petition and all other documents attached as Exhibit "A" are incorporated herein by reference.

5. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly give notice of this removal to all adverse parties and file a copy of this notice with the Clerk of the state court.

## **II.**

### **BASES FOR REMOVAL**

6. As noted in the Petition, Plaintiffs are, and were at the time of filing the Original Petition, Delaware corporations whose principle places of business are in Austin, Texas. *See* Pet.

¶ 2.

7. As noted in the Petition, Defendant is, and was at the time of the filing of the Original Petition, a corporation organized and existing under the laws of India, with its principal place of business in Bangalore, India. *See* Pet. ¶ 3.

8. In the Petition, Plaintiffs seeks damages for seven causes of action as well as punitive damages and attorneys' fees. Therefore, the amount in controversy far exceeds \$75,000, exclusive of interests and costs. *See* 28 U.S.C. § 1332(a).

9. By reason of the foregoing, this Court has federal diversity jurisdiction, pursuant to 28 U.S.C. § 1332(a)(1), because (i) complete diversity exists between the properly joined parties and (ii) the amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs.

10. Pursuant to 28 U.S.C. § 1441(a), Defendant is entitled to have this civil action removed from the District Court of Travis County, Texas, 261st Judicial District, to the United States District Court for the Western District of Texas, Austin Division, such being the district and division where this civil action is currently pending, and conditioned that Defendant will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that this civil action was not removable or not properly removed.

### **III.**

#### **CONCLUSION**

WHEREFORE, Defendant requests that this civil action be removed to this Court, that this Court accept jurisdiction over this civil action, and that this civil action be entered on the docket of this Court for further proceedings as though this civil action had originally been instituted in this Court.

Dated: October 20, 2010

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ William Tommy Jacks

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Attorneys for Defendant  
INFOSYS TECHNOLOGIES LTD.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 20, 2010 on the following counsel of record via the Court's electronic service and also by either Certified Mail/Return Receipt Requested or Hand Delivery:

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*/s/ William Tommy Jacks*

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William Tommy Jacks